

**Framingham Planning Board**

Memorial Building • Room 205 • 150 Concord Street  
Framingham, MA 01702-8373  
(508) 532-5450 • [planning.board@framinghamma.gov](mailto:planning.board@framinghamma.gov)



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2016 OCT -5 A 10:08

TOWN CLERK  
TOWN CLERK STAMP

**Planning Board Members**

Christine Long, Chair  
Lewis Colten, Vice Chair  
Victor Ortiz, Clerk  
Thomas F. Mahoney  
Stephanie Mercandetti

**Planning Board Staff:**

Amanda L. Loomis, AICP, Planning Board Administrator  
Raphaela Morais-Peroba, Community Outreach Coordinator

**TOWN OF FRAMINGHAM - PLANNING BOARD****Notice of Decision**

**Regarding the Applications of Turnkey Builders, LLC  
for the Property located at  
197 Winter Street, Lot B, Framingham, MA  
Decision dated September 29, 2016**

Notice is hereby given in accordance with M.G.L. c. 40A, Section 15 that in the applications Turnkey Builders, LLC for a Modification to a Scenic Way and a Public Way Access Permit, to construct a single family driveway over the frontage of Lot B. The opening public hearing was held on September 8, 2016, notice of the opening public hearing was published in "The MetroWest Daily News" on August 25, 2016 and September 1, 2016. Continued public hearings were held on September 14 and September 29, 2016. The Planning Board APPROVED said applications on September 29, 2016 and the decision was filed in the Office of the Town Clerk on October 5, 2016. For additional information please see the Planning Board's webpage at [www.framinghamma.gov](http://www.framinghamma.gov).

***Christine Long, Chair***  
**FRAMINGHAM PLANNING BOARD**

Any appeal from the Decision shall be made pursuant to G.L. Ch. 40A, Sec. 17 and must be filed within twenty (20) days after the date of filing of the Decision in the office of the Town Clerk.



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### Planning Board Members:

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Lewis Colten, Vice Chair

Victor Ortiz, Clerk

Thomas F. Mahoney

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**DECISION OF THE FRAMINGHAM PLANNING BOARD  
ON THE APPLICATION OF TURNKEY BUILDERS, LLC  
FOR THE PROPERTY LOCATED AT 197 WINTER STREET, LOT B  
DECISION DATED OCTOBER 6, 2016**

THIS DECISION WAS GRANTED UNDER THE OCTOBER 2015 FRAMINGHAM ZONING BY-LAW  
(APRIL 2016 FRAMINGHAM ZONING BY-LAW PENDING ATTORNEY GENERAL APPROVAL)

### General Property Information

Property Address: 197 Winter Street (Lot B)

Assessor's Information: 110-21-1606-000

Zoning District/Overlay District: Single Family Residential (R-1)

### Application Information

Application(s) under the Framingham General By-Laws: Public Way Access Permit (Article VI, Section 8) and Scenic Roadway Modification Permit (Section VI, Section 10)

Date application(s) were filed with the Planning Board: August 24, 2016

Date application(s) were filed with the Town Clerk: August 24, 2016

Project Number: PB-028-16

### General Project Contact Information

Applicant Name: Turnkey Builders, LLC

Applicant Address: 130 Parker Street, Lawrence, MA 01843

Landowner Name: 1000, LLC

Landowner Address: 28 Country Club Lane, Middleton, MA 01949

Project Contact Name: Bob Pace, Turnkey Builders, LLC

Engineer Name: Seth Donohoe, Ducharme & Dillis, Civil Design Group, Inc.

Engineer Company: Ducharme & Dillis, Civil Design Group, Inc.

### Legal Ad & Public Hearing Information

MetroWest Daily News run dates of the Legal Ad: August 25, 2016 (14 days prior to 1<sup>st</sup> public hearing) and September 1, 2016

(7 days prior to 1<sup>st</sup> public hearing)

Date of abutter/7 Abutting municipality/parties of interest mailing: September 1, 2016

Date of opening public hearing: September 8, 2016

Date of continued public hearing: September 14, 2016 and September 29, 2016

Applicant's Representatives in attendance at the Public Hearing(s): Robert Pace, Turnkey Builders, LLC and Seth Donohoe, Ducharme & Dillis, Civil Design Group, Inc.

Planning Board members in attendance at the public hearing(s): Christine Long, Chair, Lewis Colten, Vice-Chair, Victor Ortiz (absent on September 29, 2016), Clerk, Thomas Mahoney, and Stephanie Mercandetti (absent for a portion of the public hearing on September 14, 2016, Ms. Mercandetti filed the Mullin Rule with the Town Clerk on September 29, 2016).

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### **Planning Board Approval Information**

Date of Plans approved by the Planning Board: July 25, 2016, revised on August 22, 2016, August 31, 2016, and September 22, 2016

### **TECHNICAL REVIEW TEAM MEETING**

On August 31, 2016, the Technical Review Team (TRT) reviewed the project at 197 Winter Street.

Technical Review Team Members Present: Amanda Loomis, Planning Board; Eric Johnson, Department of Public Works; Chris Canney, Department of Inspectional Services (Building Department); Joseph Mazzola, Fire Department; Will Naser, Assessors Department; Robert McArthur, Conservation Commission; Michael Blanchard, Board of Health; Sam Scoppettone, Community and Economic Development; Marianne Iarossi, Community and Economic Development; and Raphaela Morais-Peroba, Planning Board

Present for the Applicant: Robert Pace, Turnkey Builders, LLC. and Seth Donohoe, Ducharme & Dillis, Civil Design Group, Inc.

### **PROJECT DESCRIPTION**

The Applicant, has requested a Public Way Access Permit (Article VI, Section 8 of the Framingham General By-Laws), and a Scenic Roadway Modification Permit (Article VI, Section 10 of the Framingham General By-Laws) for Lots A and B. The property at 197 Winter Street was divided through the Approval Not Required process on February 8, 2007 and recorded at the registry of deeds on March 7, 2007 (Plan 230 of 2007).

The Project will include the modification of one curb cut located on 197 Winter Street, Lot B. The property currently contains an existing single family home which will be razed and replaced with two new single family homes on Lots A and B.

There is an existing stone wall that runs along the frontage of Winter Street with two existing driveway breaks for Lot A and Lot B. Winter Street is classified as a scenic roadway and therefore requires damaged stonewalls to be replaced and/or repaired if possible. The Applicant proposes to restore any damaged portion of the stonewall with like material.

### **HEARING**

The Framingham Planning Board held a total of three public hearings (September 8, 14, and 29, 2016) during the review of the Project located at 197 Winter Street, Lots A and B, Framingham. Framingham Planning Board members present during the public hearings held for the Project were Christine Long, Chair, Lewis Colten, Vice-chair, Victor Ortiz (absent on September 29, 2016), Clerk, Thomas Mahoney, and Stephanie Mercandetti (absent for a portion of the September 14, 2016 public hearing, Ms. Mercandetti filed the Mullin Rule with the Town Clerk on September 29, 2016). During the public hearings, the following individuals appeared on behalf of the Applicant: Robert Pace, Turnkey Builders, LLC and Seth Donohoe, Ducharme & Dillis, Civil Design Group, Inc.

## **Summary of Meeting Minutes**

Mr. Donohoe provided a brief overview of the project and presented the various revisions to the site plan made during the public hearing process. At the September 29, 2016, Mr. Donohoe presented the September 22, 2016 revised site plan that proposes a common driveway from the Lot B curb cut to Lot A.

The Planning Board provided the following comments regarding the existing stonewall, lines of sight, the use of a common driveway rather than two single driveways, and concerns relative to the corner near Lot A that limits the use of the frontage. During the public hearing process the Planning Board expressed concerns specifically regarding the driveway to Lot B and subsequently strongly encouraged the Applicant to utilize a common driveway in order to allow for safe access to Lot A. In addition, the Planning Board expressed concerns regarding the limited lines of sight to the north of Lot A.

The Planning Board arrived at this Decision based on the Framingham Zoning By-Law, Framingham General By-Laws, information submitted by the Applicant, comments from Town departments, boards, and officials, as well as from members of the public. Findings obtained from the application and public hearing process resulted in the modification of the respective approved conditions.

## **FINDINGS**

Having reviewed the application and plans filed by the Applicant including supporting documentation and reports filed by the Applicant and its representatives; and having considered the correspondence from the Department of Public Works (DPW), the Framingham Police Department, and the Framingham Fire Department within the Town of Framingham that have reviewed the Project; having considered testimony from members of the public and having viewed the site, the Planning Board determines that the Application complies with all applicable provisions of the Framingham General By-Laws, including the requirements of Article VI, Section 8 of the Public Way Access Permit, and Article VI, Section 10 of the Framingham General By-Laws related to Scenic Roadway Modification. Specifically, the Planning Board makes the following findings:

### **Public Way Access Permit, Article VI, Section 8 of the Framingham General By-Laws**

The September 23, 2016 Letter from Ducharme & Dillis, Civil Design Group, Inc. provides information requested by the Planning Board at the September 14, 2016 public hearing. The September 23, 2016 letter states that the sight distance to the south is greater than 600 feet and the sight distance to the north is 217 feet. The posted speed limit for this portion of Winter Street is 25 miles per hour according to the September 23, 2016 letter. Mass Highway Project Development and Design Guide, 2006 Edition, Exhibit 3-8: Motor Vehicle Stopping Sight Distances provides a stopping sight distance range of 155-175 feet for downgrades of 0-9 percent and a stopping sight distance range of 140-147 feet for upgrades of 3-9 percent. Therefore, Lot B is in compliance with the recommended stopping sight distances as required by Mass Highway.

Based on the findings as shown in the submitted documentation and as presented during the public hearing process, it can be concluded that the proposed driveway to the Project does provide access to Lot B and that access is not illusory nor will a hazardous condition be created by its proposed placement.



Therefore, the Planning Board finds that the access for 197 Winter Street, Lot B as proposed in the Site Plans dated July 25, 2016, revised on August 22, August 31, and September 22, 2016 complies with the requirements of Article VI., Section 8 of the Framingham General By-Laws.

#### **Scenic Roadway Modification, Article VI, Section 10 of the Framingham General By-Laws**

Pursuant to Article VI, Section 10.6.2 of the Framingham General By-Laws a common driveway shall not exceed 12' for a single family driveway and 14' for a common driveway. At the request of the Framingham Fire Department as stated during the Technical Review Team meeting and in the correspondence dated September 1, 2016, the Applicant will be required to install a residential sprinkler system within the house if the house is within 150' of a roadway. Alternatively, the Applicant can increase the driveway width to 20' so that the driveway can accommodate large fire apparatus. If the Applicant decides to increase the width of the driveway to comply with the 20' access requirement, then the Applicant shall be required to seek a modification to the approved site plan dated, July 25, 2016, revised on August 22, August 31, and September 22, 2016. During the public hearing process the Planning Board did not vote to waive the 12' width for a single family driveway or 14' for a common driveway.

In accordance with Article VI, Section 10.6.3: Stone Wall Removal Limitations of the Framingham General By-Laws, stones from a stone wall shall not be disposed of or used for purposes other than to repair the existing stone wall. The Applicant has agreed to reuse the stones/granite blocks where possible or replace areas of missing granite blocks with new granite blocks as required for the reconstruction of the stone wall. Regardless, the stonewall shall be reconstructed and/or repaired in a similar manner as the existing stone wall had been constructed, pursuant to Section 10.6.3.e) of the Framingham General By-Laws.

Based on the findings as shown in the submitted documentation and presented during the public hearing process it can be concluded that the proposed driveway over the frontage of Lot B does provide safe access to 197 Winter Street, Lot B, as long as a residential sprinkler system is installed. Otherwise the Applicant shall be required to seek a modification to the approved plan for the widening of the proposed driveway for Lot B. Therefore, the Planning Board finds that the Project as proposed complies with the requirements of Article VI, Section 10 of the Framingham General By-Laws.

#### **CONDITIONS OF APPROVAL**

The Planning Board finds that the application, plans, and supporting documentation that has been submitted by the Applicant complies with all applicable provisions of the Framingham General By-Laws including the requirements of Article VI, Section 8 of the related to a Public Way Access Permit and Article VI, Section 10 related to a Scenic Roadway Modification Permit. Accordingly, the Planning Board votes to approve the special permit for the common driveway, public way access permit, and the scenic roadway modification permit applications submitted, subject to the following conditions:

#### **General Provisions**

1. Prior to the commencement of authorized site activity, the Applicant and the general contractor shall meet with Planning Board Administrator, Building Commissioner, and the Town Engineer to review this approval.



2. Prior to the commencement of authorized site activity, the Planning Board Office shall be given not less than a 48-hour written notice. If activity on the Property ceases for longer than 30 days, not less than a 48-hour written notice shall be given to the Planning Board Office prior to restarting work.
3. Prior to the commencement of authorized site activity, the Applicant shall provide to the Planning Board Office the name, address and emergency contact telephone number of the individual or individuals who shall be responsible for all activities on site and who can be reached 24 hours a day, seven days a week.
4. A copy of this Decision shall be kept on the Property.
5. Prior to the issuance of any building permit, an electronic copy of the approved Site Plan shall be provided to the Planning Board Office for distribution to Town Departments, in order to be reviewed for compliance with this Decision. The Site Plan shall be revised, if necessary, to reflect the conditions of this Decision. In the event of a discrepancy between the Decision and the Site Plan, the Decision shall take precedence.
6. No material corrections, additions, substitutions, alterations, or any changes shall be made in any plans, proposals, and supporting documents approved and endorsed by the Planning Board without the written approval of the Planning Board. Any request for a material modification of this approval shall be made in writing to the Planning Board for review and approval by the Planning Board or the Planning Board's Administrator and shall include a description of the proposed modification, reasons why the modification is necessary, and any supporting documentation.
7. Following notice to the project manager for the Project, members or agents of the Planning Board shall have the right to enter the Site and to gather all information, measurements, photographs or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the Site for these purposes shall comply with all safety rules, regulations and directives of the Applicant and the Applicant's contractors.
8. The Applicant shall record this Decision with exhibit(s) at the Middlesex South Registry of Deeds prior to the issuance of a building permit, after the required appeal period has lapsed in accordance with M.G.L., c. 40A Section 17. The Applicant shall submit proof of recording to the Planning Board. Failure to record the decision or comply with the conditions of approval herein shall render this Decision null and void.
9. The provisions relative to the Project in this approval for a special permit for a Public Way Access Permit and a Scenic Roadway Modification Permit shall lapse within 2 years from the date of this Decision, not including such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause as determined by the Planning Board.
10. The failure to comply with the Framingham Zoning By-Laws, Framingham General By-Laws and/or the terms of this Decision related to the construction of the Project may result in revocation of provisions relative to the Project in the modification to a previously approved Decision for the Public Way Access Permit and a Scenic Roadway Modification Permit issued hereunder. The

Planning Board shall by first class mail send the owner written notification of any failure to comply with the By-law and/or the terms of this Decision. If the owner believes that no violation has occurred, a request may be made to the Planning Board, which will provide the owner an opportunity to resolve the alleged violation. If within 30 days from the date of mailing of said notice, the owner has not resolved the matter with the Planning Board or remedied the alleged violation, it shall be grounds for revocation of the approvals issued hereunder related to the Project. At the expiration of the 30 day period and after a duly noticed public hearing including notice to the owner by first class mail, the Planning Board may revoke the approvals issued hereunder if it finds by a four-fifths vote that there has been a violation of the By-law and/or the terms of this Decision and that the owner has failed to remedy it. Alternatively, the Planning Board may continue the public hearing or by a four-fifth vote extend the time period in which the violation may be corrected.

11. Prior to the issuance of the building permit, the Applicant shall provide all documents and information requested by the Planning Board or Planning Board Administrator demonstrating that the Applicant has complied with, or will comply with, all conditions of this approval.

#### **Site Construction**

12. The Applicant shall perform daily cleanup of construction debris, including soil, on Town streets within 200 yards from the entrance of the site driveways caused by site construction.
13. Outside construction hours are limited to 7:00 AM - 5:30 PM Monday through Friday and 8:00 AM - 4:00 PM on Saturday. Absent emergency conditions, no construction is permitted on Sunday or holidays. No equipment on-site shall be started and allowed to warm up prior the start of the allowed construction hours. No vehicles are to arrive at the construction site before the designated construction hours, which includes no vehicle parking, standing or idling on adjacent public streets.
14. Any work within the public right of way shall be required to have a police detail during the duration of said work for the purpose of public safety.
15. In the event of blasting or compaction during the construction phase, the Developer's Blasting Operator shall provide no less than ten days' advance notice of the commencement of blasting operations by certified mail to those property owners entitled to a pre-blast inspection pursuant to Massachusetts Comprehensive Fire Code: 527 CMR 1.00 et seq.
  - a. Copies of said mailing shall be furnished to the Planning Board and the Framingham Fire Department.
  - b. Copies of the blasting monitoring reports, noting any vibrations in excess of that allowable by regulation, shall be mailed to the above-referenced property owners, Planning Board and the Framingham Fire Department at the termination of blasting operations.
  - c. The Blasting Operator shall provide notice to the Planning Board and the Framingham Fire Department of any reported damage to real property.
16. The Developer's Blasting Operator shall post a Blasting and/or Compaction Notice Sign in a conspicuous location along the roadway to inform the public of the proposed blasting for the

property. Applicant shall notify all abutting residents of such blasting and/or compacting event at the time said notice is posted in a conspicuous location.

17. Said Blasting Notice Sign shall be posted at least ten days prior to any blasting on-site and abutters notified by mail within 500' of the property. The Developer's Blasting Operator shall encourage the abutting properties within 500' of the property boundaries to have their homes inspected prior to the commencement of blasting and/or compaction. Such reports shall be provided to the Developer's Blasting Operator prior to the commencement of blasting.
18. The Applicant shall protect any vegetation which shall remain post-construction with temporary protective fencing or other measures prior to the start of construction.

#### **Environment**

19. All stormwater and erosion control management shall be checked prior to the start and finish of each work day.
20. The Applicant shall check all stormwater features prior to and at the end of each construction day. A multiple day storm event occurs, the project manager shall check on the stormwater features to ensure they are functioning properly and have not exceeded their capacity. Any repairs or adjustments or deficiencies shall be made immediately.
21. The Applicant shall provide appropriate erosion control methods such as silt fences and straw wattles around the stock piles in case of a storm event, in addition to the temporary dust control requirements.

#### **Town Department/Committees/Boards Comment**

22. The Applicant shall repair the stone wall with the stones/granite blocks removed for the construction of the curb cut. Such reconstruction of the stone wall shall be consistent with the construction of the original stone wall.
23. The Applicant shall comply with the Department of Public Works letters of comments, dated September 15, 2016
24. The Applicant shall comply with the Framingham Fire Department's letter of comment received via ACCELA on September 1, 2016.

## VOTES

The vote was four in favor, zero opposed, and zero in abstention to allow the Applicant, Turnkey Builders, LLC to construct a curb cut over the frontage of Lot B, located at 197 Winter Street for the property located at 197 Winter Street, Lot B, zoned Single Family Residential (R-1).

### Public Way Access Permit (Article VI, Section 8 of the Framingham General By-Law)

Christine Long...*yes*.....  
Lewis Colten...*yes*.....  
Thomas Mahoney...*yes*.....  
Stephanie Mercandetti...*yes*.....

The vote was four in favor, zero opposed, and zero in abstention to allow the Applicant, Turnkey Builders, LLC to utilize and modify the existing curb cut on Lot B for the purposes of accessing Lot B, for the property located at 197 Winter Street, zoned Single Family Residential (R-1).

### Scenic Roadway Modification (Article VI, Section 10 of the Framingham General By-Law)

Christine Long...*yes*.....  
Lewis Colten...*yes*.....  
Thomas Mahoney...*yes*.....  
Stephanie Mercandetti...*yes*.....

By: \_\_\_\_\_

  
Christine Long, Chair, Framingham Planning Board

Date of Signature: *October 4, 2016*

## Exhibits

Not attached unless indicated

The Applicant has filed with the Planning Board various plans and reports as required by the Framingham General By-Laws. During the public hearing process the Applicant and its professional consultants submitted revisions to plans in response to requests by the Planning Board and various Town Departments that reviewed the Project. All of these plans, reports and correspondence are contained in the Planning Board's files and are hereby incorporated into this Decision by reference.



1. FORM A – Application Cover Letter, Property Address: 197 Winter Street, Lots A & B, stamped with the Town Clerk on August 24, 2016 (Project Number: PB-028-16)
2. FORM F – Public Way Access Permit Application, Property Address: 197 Winter Street, Lots A & B, stamped with the Town Clerk on August 24, 2016 (Project Number: PB-028-16)
3. FORM I – Scenic Roadway Modification Application, Property Address: 197 Winter Street, Lots A & B, stamped with the Town Clerk on August 24, 2016 (Project Number: PB-028-16)
4. Site Plan for Lot B, 197 Winter Street, Framingham, Massachusetts, prepared for: Turnkey Builders, LLC, prepared by Ducharme & Dillis, Civil Design Group, Inc., dated July 25, 2016, revised on August 22, 2016, August 31, 2016, and September 22, 2016
5. Letter from Ducharme & Dillis, Civil Design Group, Inc., RE: 197 Winter Street, Lot A & B, September 23, 2016

The Planning Board received correspondence from various Town Departments that reviewed the project. The aforesaid correspondence is contained in the Planning Board files and is incorporated herein by reference.

1. Public Way Access Permit and Modification to a Scenic Way Permits Checklist for Application Submittal, 197 Winter Street, Lot A & B, stamped by the Town Clerk on August 24, 2016
2. Legal Ad for the Project at 197 Winter Street, Lots A & B stamped with the Town Clerk on August 24, 2016, run in the MetroWest Daily Newspaper on August 25, 2016 and September 1, 2016
3. Letter of comment from the Framingham Department of Public Works, RE: Proposed Water and Sewer Connection – 197 Winter Street, Framingham, dated September 15, 2016
4. Framingham Police Department, correspondence received via ACCELA on August 27, 2016
5. Framingham Fire Department, correspondence received via ACCELA on September 1, 2016

